

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ANTHONY ARRUDA,

Plaintiff,

vs

6:03-CV-815

COMMISSIONER OF SOCIAL SECURITY,

Defendant.  
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APPEARANCES:

OF COUNSEL:

CONBOY, McKAY, BACHMAN & KENDALL, LLP  
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LAWRENCE D. HASSELER, ESQ.

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WILLIAM H. PEASE, ESQ.  
Assistant U.S. Attorney

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Anthony Arruda, brought this action seeking judicial review pursuant to 42 U.S.C. § 405(g) of the Social Security Act. By Report and Recommendation dated June 23, 2006, the Honorable David R. Homer, United States Magistrate Judge, recommended that the decision denying disability benefits be affirmed, Arruda's motion for a finding of disability be denied, and the Commissioner's cross-motion be granted. The plaintiff has filed timely objections to the Report-Recommendation.

Based upon a de novo determination of the portions of the report and recommendations to which the plaintiff has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

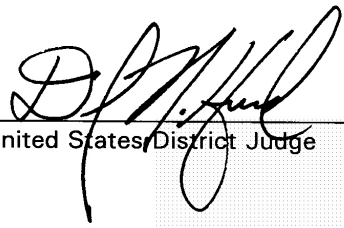
ORDERED that

1. The decision denying disability benefits is AFFIRMED;
2. The plaintiff's motion for a finding of disability is DENIED; and
3. The Commissioner's cross-motion for a judgment on the pleadings is

GRANTED.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

  
United States District Judge

Dated: November 20, 2006  
Utica, New York.